

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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RANDOLPH D. BENDO, JENNILYN L.
MUNDA, WINNIE Q. GO, CHRISTIAN M.
GARCIA

Plaintiffs,

-against-

MELODY T. BAUTISTA, CHRISTOPHER
BAUTISTA, MAMARONECK PHYSICAL
THERAPY, P.C.,

Defendants.

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ORDER ADOPTING R&R
12-CV-5367 (DRH)(AYS)

HURLEY, Senior District Judge:

Presently before the Court is the Report and Recommendation, dated August 30, 2017 (“R&R”), of Magistrate Judge Anne Y. Shields recommending that the motion of plaintiffs for a default judgment against defendants be granted and that plaintiffs be awarded damages in the total amount of \$183,957.50, consisting of (1) \$63,040.24 in damages to plaintiff Randolph D. Bendo, (2) \$58,707.02 in damages to plaintiff Jennilyn L. Munda, (3) \$46,480.30 in damages to plaintiff Winnie Q. Go, (4) \$15,379.94 damages to plaintiff Christian M. Garcia, and (5) \$350 in costs, plus post-judgment interest pursuant to 28 U.S.C. § 1961 and further recommending that plaintiffs’ request for attorneys’ fees be denied without prejudice to renewal. More than fourteen days have elapsed since service of the R&R and no objections have been filed.

Pursuant to 28 U.S.C. § 636(b) and Fed. R. Civ. P. 72, this Court has reviewed the R&R for clear error, and finding none, now concurs in both its reasoning and its result. Accordingly, this Court adopts the August 30, 2017 R&R of Judge Shields as if set forth herein. Accordingly,

IT IS HEREBY ORDERED that plaintiff's motion for a default judgment against defendants Melody T. Bautista, Christopher Bautista and Mamaroneck Physical Therapy, P.C. be granted and that plaintiffs be awarded of damages in the total amount of \$183,957.50 as against said defendants, jointly and severally, consisting of (1) \$63,040.24 in damages to plaintiff Randolph D. Bendo, (2) \$58,707.02 in damages to plaintiff Jennilyn L. Munda, (3) \$46,480.30 in damages to plaintiff Winnie Q. Go, (4) \$15,379.94 damages to plaintiff Christian M. Garcia, and (5) \$350 in costs, plus post-judgment interest thereon pursuant to 28 U.S.C. § 1961; and

IT IS FURTHER ORDERED THAT plaintiffs' request for attorneys' fees be denied without prejudice to renewal.

The Clerk of Court is directed to enter judgment accordingly and to close this case.

Dated: Central Islip, N.Y.
September 20, 2017

/s/ Denis R. Hurley
Denis R. Hurley
United States District Judge